

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ETTA JOHNSON,
Plaintiff,

v.

ALAMEDA COUNTY SHERIFF'S
DEPARTMENT ARRESTING DEPUTY
#1, et al.,
Defendants.

Case No. [20-cv-08283-DMR](#)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Self-represented Plaintiff Etta Johnson filed this lawsuit against several unnamed deputies from the Alameda County Sheriff's Office regarding a February 2019 incident. On January 22, 2024, the court granted Defendants' motion for partial summary judgment on Ms. Johnson's 42 U.S.C. § 1983 claim for use of excessive force in violation of the Fourth Amendment and as well as her claim for battery. [Docket No. 86.] Ms. Johnson's remaining claim is a state law claim for conversion in which she alleges that Defendants seized her property during the incident and never returned it.

At the March 20, 2024 case management conference, the court notified the parties that it was considering dismissing the remaining state claim without prejudice to Ms. Johnson pursuing her conversion claim in state court. The court asked the parties whether they were interested in first trying to settle the case. At the parties' joint request, the court referred the parties to Judge Westmore for a settlement conference. [Docket No. 89]. On May 7, 2024, Judge Westmore held a pre-settlement telephonic conference but did not set a settlement conference because during the call, "Plaintiff indicated she will not participate in settlement discussions without addressing damages outside of the remaining conversion claim and intends to appeal." [Docket No. 91.]

Ms. Johnson's actions indicate she is not interested in pursuing settlement of the remaining claim for conversion. There is no remaining federal claim in the case. Therefore, this court declines to exercise supplemental jurisdiction over the state law claim for conversion. 28 U.S.C. § 1367(c)(3). The case is dismissed without prejudice to Ms. Johnson pursuing her conversion claim in state court.

The court refers Plaintiff to the link entitled "Representing Yourself" on the Court's website, located at <https://cand.uscourts.gov/pro-se-litigants/>, as well as the Court's Legal Help Centers for unrepresented parties. Parties may schedule an appointment by calling 415-782-8982 or emailing FedPro@sfbar.org.

IT IS SO ORDERED.

Dated: May 15, 2024



DONNA M. RYU
Chief Magistrate Judge